



TOWN OF AMENIA

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TOWN CLERK

TOWN OF AMENIA PLANNING BOARD

Resolution #10 for 2015

July 29, 2015

Silo Ridge Field Club

Resolution approving Special Permits allowing: (1) golf course improvements and a golf maintenance facility in the OC Zoning District; (2) a wastewater treatment plant in the OC Zoning District; and (3) the storage of more than 500 pounds of fertilizers and pesticides at the golf maintenance facility in the Aquifer Overlay District

WHEREAS, in 2005, Higher Ground Country Club, LLC ("HGCC") proposed the development of a resort community on 670+/- acres of land located west of NYS Route 22 and north and south of US Route 44 in the Town of Amenia identified as parcel numbers 7066-00-732810, 7066-00-860725, 7066-00-742300, 7066-00-670717, 7067-00-709177 and 7066-00-628131 on the Town of Amenia Tax Map (the "Original Project Site"). The Original Project Site was previously developed with a 170-acre, 18-hole championship golf course and clubhouse; and

WHEREAS, the proposed development consisted of the following elements, among other things: condominiums, single-family homes, a resort hotel/lodge, a "winery-themed" restaurant, retail uses, water and waste water treatment facilities, a renovated golf course and a new clubhouse (the "Original Project"). The Original Project was called the Silo Ridge Resort Community; and

WHEREAS, under the Town of Amenia Zoning Code (the "Zoning Code"), the Original Project Site is located in the Resort Development Overlay ("RDO") Zoning District. The purpose of the RDO is to provide use and design flexibility to encourage resort development on appropriate large properties where such development fits into the rural character of the Town and protects its scenic, historic and environmental resources. The RDO provides a procedure for master planned development of properties over 200 acres to promote tourism, recreation and open space protection. In exchange for granting permission for using flexibility and more intensive development than normally allowed in the Town, the RDO seeks to achieve significant protection of open space resources, especially scenic views, ridgelines, water resources and ecosystems; and

WHEREAS, pursuant to Section 121-18(C)(3) of the Zoning Code, because uses other than those allowed in the Rural Agricultural ("RA") Zoning District were proposed, a special permit/master development plan approval was required; and

WHEREAS, on January 9, 2009, after completing a Final Environmental Impact Statement ("FEIS"), the Planning Board adopted a comprehensive Findings Statement for the Original Project under the State Environmental Quality Review Act ("SEQRA") (the "2009 SEQRA Findings"); and

WHEREAS, on June 25, 2009, the Planning Board issued a Special Permit/Master Development Plan Approval (the "Original Approval") and related Findings Statement for the Original Project; and

WHEREAS, on February 4, 2010, the Planning Board renewed the Original Approval until June 25, 2011, pursuant Section 121-62 of the Zoning Code; and

WHEREAS, on March 3, 2011, the Planning Board further renewed the Original Approval until June 25, 2013, pursuant Section 121-62 of the Zoning Code; and

WHEREAS, in June 2013, the Planning Board further renewed the Original Approval until June 25, 2015, pursuant to Section 121-62 of the Zoning Code; and

WHEREAS, in October 2013, Silo Ridge Ventures, LLC (the "Applicant"), the successor to HGCC, submitted applications to the Planning Board seeking to modify the Original Project and to redevelop the Original Project Site as a mixed-use resort community including, among other things, 52 attached condominiums, 159 single-family detached homes on separate lots, 13 townhomes on separate lots, 21 hotel/condominium lodging units, a winery-themed restaurant, an 18-hole golf course, club house/lodge (with restaurant, bar/lounge and golf pro shop), family activity barn and lake pavilion, fitness spa, yoga center, golf academy, sales center, general store, village green, an "Artisan's Park Overlook," a water treatment plant and waste water treatment plant (the "WWTP"), recreational and open space amenities and related improvements to be owned and maintained by one or more homeowners associations and condominium associations (the "Modified Project"). The Modified Project was renamed the Silo Ridge Field Club; and

WHEREAS, the Modified Project is proposed to developed on the Original Project Site and a portion of an adjoining tax parcel 7066-00-870350 which is owned by the Harlem Valley Landfill Corp. ("HVLC Property") and located in Office\Commercial\Industry Mixed Use District ("OC District") of the Town of Amenia ("Modified Project Site"); and

WHEREAS, in connection with the Modified Project, the Applicant applied to the Planning Board for, among other things: (1) an amended Special Permit/Master Development Plan approval pursuant to Section 121-18(C)(3) of the Zoning Code; (2) Special Permit approvals for the golf maintenance facility, golf course improvements and waste water treatment plant to be located on a portion of the HVLC Property in the OC District pursuant to Section 121-10(B) of the Zoning Code; (3) a Site Plan approval for the first phase of the Modified

Project including the golf maintenance facility, golf course improvements and WWTP to be located on a portion of the HVLC Property; (4) a Preliminary Subdivision approval and lot line adjustment to incorporate a portion of the HVLC Property pursuant to Chapter 105 (the "Subdivision Law") of the Town Code; (5) Special Permit approval for storage at the golf maintenance facility of more than 500 pounds of fertilizers and pesticides/herbicides pursuant to Town Code 121-15(E)(1); and (6) certain waivers and supplementary approvals under the Town's Zoning Code and Subdivision Law (collectively the "Applications"); and

WHEREAS, as part of the Applications, the Applicant also submitted, among other things, an Amended Master Development Plan narrative with drawings and plans (the "Amended MDP"); detailed site plans; and detailed preliminary subdivision plans; and

WHEREAS, the Modified Project is considered a "major project" under the Zoning Code because it exceeds the thresholds set forth in Section 121-60(C)(1) of the Code; and

WHEREAS, the Planning Board has followed the procedures for reviewing and processing the Modified Project as a major project under the Zoning Code; and

WHEREAS, the Town of Amenia Building Inspector determined that under Section 121-10 of the Zoning Code, the golf course improvements and golf maintenance facility constitute "recreational business" uses which are allowed by special permit in the OC District;

WHEREAS, on March 25, 2014, the Planning Board circulated a full Environmental Assessment Form ("EAF") to all involved agencies. On May 15, 2014, the Planning Board designated itself as Lead Agency under SEQRA for review of the Applications; and

WHEREAS, as part of the Applications, the Applicant submitted an Addendum to the EAF containing numerous detailed and thorough plans, reports, studies and other documents evaluating the Modified Project's potential impacts on the following environmental topics, among others: soils and geology, water resources, cultural resources, transportation, land use and zoning, HVLC Property, water and waste water, stormwater, aesthetic resources, fiscal resources, fire safety, local and regional plan consistency, floodplains, vegetation and wildlife (collectively, the "Supplemental SEQRA Materials"); and

WHEREAS, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the Applications (including all materials submitted by the Applicant in support of the Applications) and all Supplemental SEQRA Materials over the past two years; and

WHEREAS, on August 21, 2014, the Planning Board determined the Applications complete for purposes of public review and caused the Applications and Supplemental SEQRA Materials to be available at the Town Hall, Amenia Public Library and posted to a website linked to the Town's official website; and

WHEREAS, on September 4, 2014 and September 18, 2014, the Planning Board held public hearings on the Applications and Supplemental SEQRA Materials. The Planning Board continued the public hearing to allow the Applicant to revise the Applications and Supplemental

SEQRA Materials in response to comments from the Planning Board, its consultants and the public; and

WHEREAS, the Applicant submitted revised Applications and revised Supplemental SEQRA Materials to the Planning Board for its consideration. The Applicant also submitted their responses, in writing, to all substantive comments received from the Planning Board, its consultants and the public during the public hearing period; and

WHEREAS, based on comments from the public and the Planning Board's consultants, the Applicant relocated the WWTP from its original location on US Route 44 to the HVLC Property located in the OC District on NYS Route 22. The Applicant revised the Applications to include the relocation of the WWTP; and

WHEREAS, on April 8, 2015, the Planning Board determined the revised Applications and revised Supplemental SEQRA Materials to be complete for purposes of public review and scheduled a continuation of the public hearing for April 28, 2015. On April 9, 2015, the Applicant submitted a letter to the Planning Board requesting that the public hearing be rescheduled to May 5, 2015, to provide the Planning Board and the public additional time to review the revised Applications; and

WHEREAS, the Planning Board referred a full statement of the Applications to the Dutchess County Planning Department as required by NYS Town Law and Section 239-m of the NYS General Municipal Law. The Dutchess County Department of Planning issued a report which determined that the Applications are a matter of local concern, and provided comments supporting the Applications, as had been revised by the Applicant; and

WHEREAS, the Applicant submitted a letter to the Town's Building Inspector requesting interpretations of the Zoning Code relating to: (1) whether building setbacks were required from private roads in the OC District; and (2) whether the WWTP was a permitted use in the OC District; and

WHEREAS, the Town's Building Inspector issued interpretations of the Zoning Code concluding that: (1) the Zoning Code does not contain any building set-backs from private roads in the OC District and, therefore, the WWTP and golf maintenance building are not required to meet any particular set-back requirements; and (2) the WWTP constitutes a "public utility facility" under the Zoning Code which is a permitted use in the OC District subject to special permit approval from the Planning Board; and

WHEREAS, pursuant to Section 121-62(E)(4) of the Zoning Code, the revised Applications for special permit approvals (for uses in both the RDO and OC Zoning Districts) were also referred to the Town of Amenia Zoning Board of Appeals ("ZBA") for their review and recommendation. The ZBA provided a positive recommendation for those Applications and the Modified Project, including the WWTP location in the OC District; and

WHEREAS, on May 5, 2015, the Planning Board held, and closed, the final public hearing on the revised Applications; and

WHEREAS, the Applicant further revised the Applications and Supplemental SEQRA Materials in response to comments received from the Planning Board, its consultants and the public during the May 5th public hearing. The Applicant also submitted written responses to new substantive comments made during the hearing. These further revised materials were submitted to the Planning Board for its consideration; and

WHEREAS, the Planning Board has also considered written comments on the Modified Project from a variety of involved and interested agencies including, but not limited to, the New York State Department of Transportation ("NYSDOT"), the New York State Department of Environmental Conservation ("NYSDEC"), the Dutchess County Department of Planning, the Dutchess County Department of Health, the Amenia Fire Department, the Wassaic Fire Department, the Town of Amenia Code Enforcement Officer, U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and Dutchess Land Conservancy, among others; and

WHEREAS, Section 121-62(G)(1) of the Zoning Code requires the Planning Board to make a decision on the revised Applications within 62 days after the public hearing. On June 29, 2015, the Applicant agreed to extend the deadline for the Planning Board to make its decision until July 31, 2015; and

WHEREAS, on July 29, 2015, the Planning Board adopted an Amended and Restated Findings Statement (with mitigation measures) for the Modified Project under SEQRA (the "2015 Amended SEQRA Findings"); and

WHEREAS, Section 121-63 of the Zoning Code states that no special permit shall be granted for any property on which there exists a violation of the Zoning Code including a violation of any condition of a previous municipal approval. No adjudicated violations currently exist on the Modified Project Site; and

WHEREAS, the Planning Board has taken into consideration all applicable factors set forth in Section 121-63 of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Article IX of the Zoning Code, the Planning Board hereby grants the Special Permit to construct and operate the golf course improvements for the Modified Project in the OC District. Construction of those improvements is subject to compliance with: (1) all applicable federal, State and local laws; (2) all applicable mitigation measures set forth in the 2015 Amended SEQRA Findings; (3) the Amended Special Permit/Master Development Plan approval for the Modified Project issued by the Planning Board on July 29, 2015; and (4) the Site Plan approval for Phase 1 of the Modified Project including portions of the Modified Project located in the OC District, issued by the Planning Board on July 29, 2015; and (5) the Preliminary Plat approval for the Modified Project issued by the Planning Board on July 29, 2015, and any final subdivision approval subsequently issued for the Modified Project; and

BE IT FURTHER RESOLVED, that in accordance with Article IX of the Zoning Code, the Planning Board hereby grants the Special Permit to construct and operate the WWTP and related improvements for the Modified Project in the OC District subject to the conditions listed below; and

BE IT FURTHER RESOLVED, that in accordance Article IX and Section 121-15 (E) (1) of the Zoning Code, the Planning Board hereby grants the Special Permits to construct and operate a golf maintenance facility and related improvements for the Modified Project in the OC District and to store more than 500 pounds of pesticides and/or herbicides at such facility located in the Aquifer Overlay District, subject to the conditions listed below; and

BE IT FURTHER RESOLVED, as required by Section 121-63(B) of the Zoning Code, the Planning Board issues the attached findings which support the issuance of these Special Permit approvals pursuant to Section 121-18(C)(3) of the Zoning Code.

Conditions:

- A. The Applicant must satisfy the following conditions before a building permit can be issued for construction in the OC District:
1. The Planning Board must approve the final easement from HVLC for all improvements on the HVLC Property in the OC District. The easement shall be recorded in the Dutchess County Clerk's Office and proof of recording shall be sent to the Planning Board.
 2. The Applicant shall obtain the Town Board's approval of the Silo Ridge Sewage Works Corporation to operate the sewer system for the Modified Project as required by NYS Transportation Corporations Law and post any performance bonds for the sewer system required by the Planning Board before endorsement by the Board Chairman of the first final plat.
 3. The Applicant shall obtain the Dutchess County Department of Health's approval of the Silo Ridge Sewage Works Corporation to operate the sewer system as required by NYS Transportation Corporations Law.
 4. The Applicant shall post all performance bonds and reclamation bonds related to work in the OC District as required by the Planning Board.
 5. The Applicant must obtain an individual SPDES Permit from the New York State Department of Environmental Conservation (the "NYSDEC") to discharge treated effluent from the WWTP to Amenia/Cascade Brook and/or to any other water bodies as authorized by the NYSDEC.
 6. The Applicant must obtain coverage under General SPDES Permit for Stormwater Discharges from Construction Activities from the NYSDEC for any construction work in the OC District.
 7. The Applicant must obtain a Highway Work Permit and/or Use and Occupancy Permit from the NYSDOT to construct any proposed highway improvements or work in the highway right-of-way in the OC District.

8. The monitoring wells located on the HVLC Property shall be protected with construction fencing until construction is completed.
 9. The Applicant's engineering consultant and/or other qualified professional consultant shall certify to the Town that the construction of the improvements for the Modified Project on the HVLC Property will not disturb the existing landfill on the HVLC Property or conflict with any NYSDEC requirements applicable to the landfill.
- B. The Applicant shall comply with the following conditions which shall be ongoing throughout the term of these Special Permits. Ongoing compliance shall remain a condition of continued approval.
1. The Applicant shall implement all conditions and mitigation measures contained in the 2015 Amended SEQRA Findings for the Modified Project. The 2015 Amended SEQRA Findings are incorporated by reference into this approval.
 2. The Applicant shall comply at all times with the Amended Special Permit/Master Development Plan approval for the Modified Project as issued by the Planning Board on July 29, 2015; and
 3. The Applicant shall comply at all times with the Site Plan approval for Phase 1 of the Modified Project as issued by the Planning Board on July 29, 2015.
 4. The Applicant shall comply at all times with: (a) the Preliminary Subdivision Approval for the Modified Project as issued by the Planning Board on July 29, 2015; and (b) any final subdivision approval for the Modified Project subsequently issued by the Planning Board.
 5. In accordance with Section 121-15(I) of the Zoning Code, in the event of any discharge of a hazardous substance, solid waste, hazardous waste or petroleum product on the Modified Project Site, the Applicant shall notify the Town Clerk of such discharge within 24 hours of the time of discovery of the discharge. This condition shall not absolve the Applicant from making other notifications as required by federal, State and local law.
 6. Prior to the issuance of a Certificate of Occupancy for the WWTP, and as an ongoing condition, the Applicant shall provide the Town with copies of all applicable permits from State and/or federal regulators and copies of all annual, incident, and remediation-related reports.
 7. Prior to the issuance of a Certificate of Occupancy for the WWTP, the Applicant shall complete the landscaping shown on the approved Phase 1 Site Plan for the Modified Project to screen the WWTP and golf maintenance facility buildings from NYS Route 22. The Applicant shall maintain this landscaping screen in perpetuity.

8. Prior to obtaining a Certificate of Occupancy for the golf maintenance facility, and as an ongoing condition, the Applicant (and/or its contractors) shall obtain and maintain a current pesticide applicator certification from the NYSDEC as required under 7 USC §§ 136i and 136w, 40 CFR § 171.7, New York State Environmental Conservation Law § 33-0905, and applicable regulations.
9. As required by Section 121-15(E)(4)(a) of the Zoning Code, the storage of chloride salts is prohibited except in structures designed to minimize contact with precipitation and constructed on low-permeability pads designed to control seepage and runoff.
10. Full height street lights more than 15' tall shall not be used in the golf maintenance facility parking area.
11. Pursuant to New York General Municipal Law § 209-u, the Applicant shall file a report annually with the Chief of the Amenia Fire Department describing all hazardous materials stored at the WWTP and the golf maintenance facility on the form specified in GML § 209-u or as otherwise required by the State Fire Administrator;
12. The Town may enforce any requirements of law related to or conditions of these approvals against the Applicant or HVLC, their successors and assigns, as the property owners.

BE IT FURTHER RESOLVED, these Special Permits shall be binding on HVLC, the Applicant and their successors and assigns; and

BE IT FURTHER RESOLVED, that if any condition or part of this approval resolution is annulled by a court of competent jurisdiction, the remainder of this approval resolution shall remain in full force and effect; and

BE IT FURTHER RESOLVED, that the Planning Board reserves the right to revoke this approval after a hearing if it determines that as a result of such annulment by a court of competent jurisdiction, the Modified Project no longer complies with Town's Subdivision Law and/or Zoning Law; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-62(H) of the Zoning Code, these Special Permits shall expire if: (1) the permitted use ceases for more than 24 consecutive months for any reason, or (2) the Applicant fails to obtain the necessary building permit(s) or fails to comply with the conditions of the applicable Special Permit that are capable of being complied with within 12 months of its issuance; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-62(H) of the Zoning Code, these Special Permits may be revoked by the Planning Board if the Applicant violates the conditions of the Special Permits or engages in construction or alteration not authorized by these Special Permits.



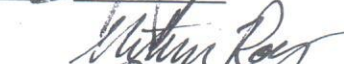
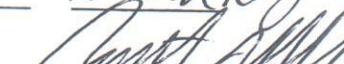


BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed in the Town of Amenia Clerk's Office within 5 days after its adoption; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

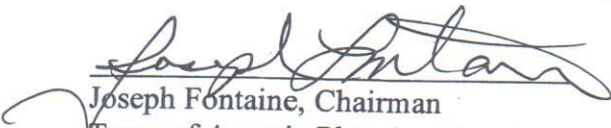
Motion By: JOHN STEFANOPOULOS

Second By: ERICH MCENROE

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

| | <u>Yes</u> | <u>No</u> | <u>Abstain</u> | <u>Absent</u> | <u>Signature</u> |
|---------------------------|---------------|---------------|----------------|---------------|---|
| Joseph Fontaine, Chairman | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |  |
| Peter Clair | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |  |
| John Stefanopoulos | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |  |
| Nathan Roy | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |  |
| Anthony Robustelli | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |  |
| Erich McEnroe | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> |  |
| Bill Kroeger | <u> </u> | <u> </u> | <u> </u> | <u>✓</u> | <u> </u> |

Dated: July 29, 2015
Amenia, New York


Joseph Fontaine, Chairman
Town of Amenia Planning Board